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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,837	06/01/2001	Mark Ortowski	10010629-1	2835

7590 03/07/2003
AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, CO 80537-0599

EXAMINER

LEON, EDWIN A

ART UNIT PAPER NUMBER

2833

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,837

Applicant(s)

ORTOWSKI ET AL.

Examiner

Edwin A. León

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 9-11 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-11 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed December 23, 2002 in which Claim 1 has been amended and new Claim 22 has been added, has been placed of record in the file as Paper No. 14.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 9 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe (U.S. Patent No. 5,836,786). With regard to Claims 1-2 and 22, Pepe discloses an modular system interface, comprising: a main panel (10), the main panel (10) including a plurality of sub-panel cut-outs (12), the main panel further including a pair of attachment elements (14, Column 2, Lines 34-39), a plurality of sub-panels (30) configured to be attachable to the main panel (10), at least one sub-panel (30) including at least one connector cut-out (aperture in 34), wherein each sub-panel (30) spans across a respective slot and individually attaches to a respective

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attachment element (10); and a plurality of connectors (2) configure to be insertable in the at least one connector cut-out (aperture in 34) and attachable to the respective sub-panel (30), wherein the at least one sub-panel (30) is configured to support a one predetermined type of connector (Column 2, Lines 14-26). See Figs. 3-7.

Pepe discloses the claimed invention except for each sub-panel cut-out having two sub-panel slots. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have each sub-panel cut-out having two sub-panel slots, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

With regard to Claim 3, Pepe discloses the main panel (10) further comprising: a bottom support (bottom part of 10) that provides support for the main panel (10). See Figs. 3-7.

With regard to Claim 4, Pepe discloses the main panel (10) further comprising a top support (top part of 10) that provides support for the main panel (10). See Figs. 3-7.

With regard to Claim 5, Pepe discloses the main panel (10) being stamped from sheet metal. See Figs. 3-7.

With regard to Claim 7, Pepe discloses the attachment elements (14, Column 2, Lines 34-39) comprising a threaded structure. See Figs. 3-7.

With regard to Claim 9, Pepe discloses the sub-panel (30) further comprising means (62) for attaching to the main panel (10). See Figs. 3-7.

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4. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe (U.S. Patent No. 5,836,786) in view of Daoud (U.S. Patent No. 6,139,356). With regard to Claims 10-11, Pepe discloses the claimed invention except for a label marking area and an adhesive mylar label being attached to the label marking area.

Daoud discloses the use of a label marking area (16) and an adhesive mylar label (20) being attached to the label marking area (16). See Fig. 6, Column 1, Lines 64-66 and Column 4, Lines 46-63.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interface of Pepe by including a label marking area and an adhesive mylar label being attached to the label marking area in order to avoid incorrect insertion of corresponding connectors

Response to Arguments

5. Applicant's arguments with respect to claims 1-5, 7, 9-11 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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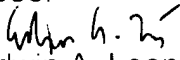
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (703) 308-6253. The examiner can normally be reached on Monday - Friday 9:00-5:30.

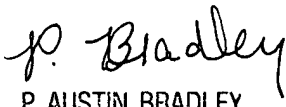
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.


Edwin A. Leon
AU 2833

EAL
February 26, 2003


P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800